

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-6471

GEORGE REYNOLD EVANS, SR.,

Plaintiff - Appellant,

versus

JOSEPH MCQUEEN, Sheriff; CAPTAIN SMITH, Chief
Jailer; NURSE GREGG; NURSE PENNY; NEW HANOVER
COUNTY, NC; NEW HANOVER COUNTY HEALTH
DEPARTMENT,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of North Carolina, at Raleigh. Terrence W. Boyle, District
Judge. (CA-97-55-5-BO)

Submitted: August 19, 1997

Decided: September 29, 1997

Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

George Reynold Evans, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

George Reynold Evans, a North Carolina prisoner, appeals the district court's orders denying his application to proceed without prepayment of fees under the Prison Litigation Reform Act, 28 U.S.C.A. § 1915 (West Supp. 1997), and denying his motion for reconsideration. Under the Prison Litigation Reform Act, a prisoner who has had three or more actions or appeals dismissed as frivolous, malicious, or for failure to state a claim, may not proceed without prepayment of fees unless the applicant is "under imminent danger of serious physical injury." 28 U.S.C.A. § 1915(g) (West Supp. 1997). Evans has had three actions dismissed as frivolous or for failure to state a claim. The district court dismissed Evans v. North Carolina, No. 84-1152-CRT (November 1, 1984), as frivolous; the district court dismissed Evans v. Smith, No. 83-1294-CRT (December 7, 1983), for failure to state a claim upon relief could be granted; and the district court dismissed Evans v. Crooms, No. 81-876-HC (October 7, 1981), as frivolous. Additionally, we find that Evans has not demonstrated that he is "under imminent danger of serious physical injury." 28 U.S.C.A. § 1915(g) (West Supp. 1997).

We therefore affirm the district court's application to proceed without prepayment of fees and the district court's denial of Evans motion for reconsideration. See 28 U.S.C.A. § 1915(g) (West Supp. 1997). We dispense with oral argument because the facts and

legal contentions are adequately presented in the materials before the court and argument would not aid in the decisional process.

AFFIRMED